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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003136

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TAGS: [AMGT](#) [ASEC](#) [IZ](#) [PREL](#) [PTER](#)  
SUBJECT: BLACKWATER PERSONNEL SECURITY DETAIL INVOLVED IN  
LETHAL INCIDENT

Classified By: Charge d'Affaires Patricia A. Butenis reasons 1.4 (b) and (d)

CONFIDENTIAL

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SUMMARY  
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(C) On September 16, a COM Blackwater-operated Personnel Security Detail (PSD) on a Red Zone move in Baghdad was involved in a lethal incident, including Iraqi police, resulting in at least 10-11 deaths. The incident, the details of which remain under investigation (and dispute), continues to receive extensive media attention and has the potential to inflame public sentiment. Although some GOI officials have made strong public statements calling for the end of Blackwater's operating license, many senior GOI officials depend on PSDs and recognize the Embassy's operations also depend on PSD support. The manner in which we respond to the incident (such as working out modalities for a joint commission which does not commit us to a specific course of action but facilitates consultation and transparency with the GOI) will help shape GOI actions in the coming days.

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COM PSD Incident  
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(C) On the morning of September 16, 2007, personnel under Chief of Mission (COM) authority were at a meeting at the Izdihar financial compound, approximately two kilometers northwest of the IZ, when a vehicle-borne IED went off 25 meters from the entrance to the venue. COM personnel and the COM Blackwater PSD team supporting their movement departed the venue without incident, but the second of two additional PSD teams dispatched by the Embassy to support their departure became involved in an escalation of force incident which turned into a firefight and disabled one COM vehicle. The exchange of fire escalated and involved Iraqi Police (IP) units. No COM personnel were injured, and the disabled vehicle was towed back to the IZ. RSO estimates that there were 10-11 Iraqi fatalities and an additional 16 wounded, however one set of GOI estimates is much higher (23 dead and 35 wounded). News reports on this incident state figures similar to those estimated by the RSO but also indicate the death of one infant, but these reports are unconfirmed. (Note: This is the 6th attack on COM personnel in 8 days.)

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Investigation and Measures Taken  
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(C) The Embassy immediately launched an RSO-led investigation per standard operating procedures to determine the facts, which remain unclear and disputed. The RSO has conducted

interviews with twenty American witnesses, five of whom were involved in the firefight, and will be interviewing IP police witnesses tomorrow. Per RSO directive, all red-zone moves across Iraq are on hold through tomorrow. The Embassy is considering participating in a joint commission with the GOI, if this will facilitate consultation and transparency with the Iraqis without committing the USG to any specific course of action, or hampering our decision making authority over COM personnel (see description of proposal below).

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GOI Reaction  
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(C) On the evening of September 17, 2007, the Charge d'Affaires and Regional Security Officer met with Iraqi National Security Advisor Rubaie to discuss the incident. The Charge conveyed the seriousness with which the United States takes this incident, expressed regret for any loss of life and informed Rubaie of the status of the investigation. The RSO gave Rubaie a description of the incident. The Charge also noted that the PSD was responding to a VBIED incident and that there had been a series of attacks on Embassy and PSD personnel within the last ten days. Rubaie stated that this was the fourth incident involving private security contractors within the past month that had resulted in Iraqi fatalities (note: RSO was not aware of the other three incidents Rubaie referred to, and made the point that there are many private security contractors in Iraq that are not under the authority of the USG).

(C) Rubaie disputed USG casualty figures saying that he had been informed that there were 23 deaths and 35 wounded. He noted that the timing of this incident was unfortunate

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because the perception on the part of many Iraqis is that violence has recently decreased to pre-Samara Mosque bombing levels, but any violence involving Westerners is blamed on the U.S. Military and potentially undermines good will generated by security improvements.

(C) Rubaie also raised the issue of creating a Joint MNF-USG-GOI Commission to investigate this and other incidents involving private security contractors, along the lines of the commission which investigates incidents involving the U.S. Military. The Charge deferred the issue, emphasizing that any proposal to form such a committee would have to be reviewed carefully in consultation with Washington, but that we would get back to him as soon as possible.

(C) Rubaie distanced himself from Minister of Interior Bolani's statement that the GOI would revoke the operating license for Blackwater, indicating that the Minister or whoever had made the statement on his behalf was misinformed. A separate report conveyed by MNF-I based upon information obtained from the Prime Minister's Situation Room indicates that the Prime Minister did not issue any order to revoke Blackwater's license.

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Legal Issues  
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(C) Under CPA Order 17, the security personnel involved in this incident are not subject to prosecution in Iraqi courts because the actions they took were pursuant to the terms of their contract. However if the USG determines that a crime has been committed under U.S. law, charges could be pursued in the United States criminal justice system.

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Long Term Issues  
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(C) Chief of Mission personnel in Iraq rely heavily on Blackwater PSDs and assets for travel in the red zone. Any action curtailing Blackwater,s operations in Iraq would severely limit COM personnel movement, impacting the Embassy,s ability to support the GOI. However, despite the Minister of Interior,s statement, we do not anticipate and immediate GOI move to expel Blackwater.

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Press Coverage and Political Pressure  
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(C) Iraqi state television reported the Prime Minister as condemning the &criminal operation8 and threatening to end Blackwater operations in Iraq. Agence France Presse (AFP) is reporting that Interior Minister al-Bolani ordered the cancellation of the operating license of Blackwater. NSA Rubbaie discounted Bolani,s statements, and the PM,s staff have refuted the statements the PM reportedly made. The Charge will meet the PM,s COS tomorrow to clarify. Nonetheless, PM Maliki is under increased political pressure as the Sadrists and Dawa Tanzim have abandoned the United Iraqi Alliance in the past two days. Critics from his own Shi,a alliance are seizing on this incident as they have other recent perceived Coalition Forces excesses to attack the PM and demand tough government action.

BUTENIS